

1 PRESTON DuFAUCHARD  
2 California Corporations Commissioner  
3 ALAN S. WEINGER (CA BAR NO. 86717)  
4 Deputy Commissioner  
5 Department of Corporations  
6 320 West 4<sup>th</sup> Street, Ste. 750  
7 Los Angeles, California 90013-1105

8 Attorneys for Complainant

9  
10 BEFORE THE DEPARTMENT OF CORPORATIONS  
11 OF THE STATE OF CALIFORNIA  
12

13	In the Matter of the Accusation of	)	File No. 603-7958
14	THE CALIFORNIA CORPORATIONS	)	603-9084 603-9085
15	COMMISSIONER,	)	
16		)	
17	Complainant,	)	
18		)	
19	vs.	)	NOTICE OF INTENTION
20		)	TO ISSUE ORDER
21	ADVANCE RESTAURANT FINANCE	)	REVOKING CALIFORNIA
22	LLC,	)	FINANCE LENDERS LICENSE
23		)	
24	Respondent.	)	
25		)	

26 Pursuant to section 22714 of the California Finance Lenders Law (California  
27 Financial Code), notice is hereby given of the intention of the California Corporations  
28 Commissioner to enter his Order pursuant to section 22714 of the California Finance  
Lenders Law to revoke Respondent's finance lenders license.

The attached Accusation, which is incorporated by this reference, states the reasons  
for the intended Order.

Unless a request for hearing, as evidenced by the mailing or delivery of the Notice of  
Defense, is received within 15 days after the Accusation was personally served upon you or

1 mailed to you, such Order may be entered at any time thereafter without a hearing.

2  
3 DATED: May 25, 2011  
4 Los Angeles, California

5 PRESTON DuFAUCHARD  
6 California Corporations Commissioner

7 By \_\_\_\_\_  
8 PATRICIA R. SPEIGHT  
9 Special Administrator  
10 California Finance Lenders Law

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 PRESTON DuFAUCHARD  
2 California Corporations Commissioner  
3 ALAN S. WEINGER (CA BAR NO. 86717)  
4 Deputy Commissioner  
5 Department of Corporations  
6 320 West 4<sup>th</sup> Street, Ste. 750  
7 Los Angeles, California 90013-1105  
8 Attorneys for Complainant

9  
10 BEFORE THE DEPARTMENT OF CORPORATIONS  
11 OF THE STATE OF CALIFORNIA  
12

13 In the Matter of the Accusation of ) File No. 603-7958  
14 THE CALIFORNIA CORPORATIONS ) 603-9084 603-9085  
15 COMMISSIONER, )  
16 )  
17 Complainant, )  
18 )  
19 vs. ) ACCUSATION  
20 )  
21 )  
22 ADVANCE RESTAURANT FINANCE )  
23 LLC, )  
24 )  
25 Respondent. )  
26 )  
27 )  
28 )

29 The Complainant is informed and believes, and based upon such information and  
30 belief, alleges and charges Respondent as follows:

31 I

32 Respondent is a finance lender and/or broker licensed by the California Corporations  
33 Commissioner ("Commissioner") pursuant to the California Finance Lenders Law  
34 (California Financial Code § 22000 et seq.) ("CFL"). Respondent has its principal place of  
35 business located at:

36  
37 3 WATERS PARK DRIVE, SUITE 231  
38 SAN MATEO, CA 94403

1 II

2 Pursuant to California Financial Code section 22112, all CFL licensees are required to  
3 maintain a surety bond in the minimum amount of \$25,000.00. The surety bond of  
4 respondent expired on May 20, 2011. On or about April 22, 2011, the Commissioner  
5 notified respondent that a replacement surety bond had to be filed immediately, but no later  
6 than the expiration date to avoid suspension or revocation of its CFL license.

7 Respondent has yet to obtain a replacement surety bond in violation of California  
8 Financial Code section 22112.

9 III

10 California Financial Code section 22112 provides in pertinent part:

11 A licensee shall maintain a surety bond in accordance with this subdivision in  
12 the amount of twenty-five thousand dollars (\$25,000). The bond shall be  
13 payable to the commissioner and issued by an insurer authorized to do business  
14 in this state. A copy of the bond, including any and all riders and  
15 endorsements executed subsequent to the effective date of the bond, shall be  
16 filed with the commissioner for review and approval within 10 days of  
17 execution. For licensees with multiple licensed locations, only one surety  
18 bond in the amount of twenty-five thousand dollars (\$25,000) is required. The  
19 bond shall be used for the recovery of expenses, fines, and fees levied by the  
20 commissioner in accordance with this division or losses or for damages  
21 incurred by consumers as the result of a licensee's noncompliance with the  
22 requirements of this division.

23 California Financial Code section 22714 provides in pertinent part:

24 The commissioner may suspend or revoke any license, upon notice and  
25 reasonable opportunity to be heard, if the commissioner finds any of the  
26 following:

27 (a) The licensee has failed to comply with any demand, ruling, or requirement  
28 of the commissioner made pursuant to and within the authority of this division.

(b) The licensee has violated any provision of this division or any rule or  
regulation made by the commissioner under and within the authority of this  
division.

(c) A fact or condition exists that, if it had existed at the time of the original  
application for the license, reasonably would have warranted the commissioner  
in refusing to issue the license originally.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IV

The Commissioner finds that, by reason of the foregoing, Respondent has violated California Financial Code section 22112, and based thereon, grounds exist to revoke the California Finance Lender license of Respondent.

WHEREFORE, IT IS PRAYED that the California finance lender license of Respondent be revoked.

DATED: May 25, 2011  
Los Angeles, California

PRESTON DuFAUCHARD  
California Corporations Commissioner

By \_\_\_\_\_  
PATRICIA R. SPEIGHT  
Special Administrator  
California Finance Lenders Law

1 PRESTON DuFAUCHARD  
California Corporations Commissioner  
2 ALAN S. WEINGER  
Deputy Commissioner  
3 Department of Corporations  
320 West 4<sup>th</sup> Street, Ste. 750  
4 Los Angeles, California 90013-2344

5 Attorneys for Complainant

6 BEFORE THE DEPARTMENT OF CORPORATIONS  
7 OF THE STATE OF CALIFORNIA  
8

9 In the Matter of the Accusation of THE )  
10 CALIFORNIA CORPORATIONS )  
11 COMMISSIONER, ) File No.: 603-7958  
12 Complainant, ) ORDER DISMISSING NOTICE OF  
13 vs. ) INTENTION TO ISSUE ORDER REVOKING  
14 ADVANCE RESTAURANT FINANCE LLC ) CALIFORNIA FINANCE LENDERS  
15 Respondent. ) LICENSE  
16 )  
17 )

18 GOOD CAUSE APPEARING, the Notice of Intention to Issue Order Revoking California  
19 Finance Lenders License issued against ADVANCE RESTAURANT FINANCE LLC on  
20 May 25, 2011 is hereby dismissed.

21  
22 Dated: June 6, 2011  
Los Angeles, California

PRESTON DuFAUCHARD  
California Corporations Commissioner

23  
24  
25 By \_\_\_\_\_  
26 PATRICIA R. SPEIGHT  
27 Special Administrator  
California Finance Lenders Law  
28